

REMARKS

Status of the Claims

After entry of the instant Amendment, claims 1, 3-8, 11, and 14-18 are pending in this application. Claim 1 is independent.

Claims 2, 9, 10, 12 and 13 have been cancelled and claims 1, 7, 8, 17 and 18 have been amended without prejudice or disclaimer of the subject matter contained therein. Claim 1 has been amended to recite limitations of original claim 2. Claims 7, 8, 17 and 18 have been amended to correct typographical errors. Reconsideration of this application, as amended, is respectfully requested.

Provisional Obviousness-Type Double Patenting Rejection

Claims 1-3, 6, 7, 9 and 16 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending U.S. Patent Application No. 11/718,386. As claims 2 and 9 have been cancelled their rejection is moot.

If the provisional obviousness-type double patenting rejection (based on co-pending Application No. 11/718,386) becomes the only remaining issue, the Examiner is respectfully requested to withdraw the provisional obviousness-type double patenting rejection in this Application (which is earlier-filed) and to instead address the obviousness-type double patenting rejection in the later-filed Application No. 11/718,386.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 3-7, 11, and 14-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Inama et al., JP07-136256 (hereinafter “Inama”), as evidenced by Tani et al., U.S. Patent No. 4,576,928 (hereinafter “Tani”). As claims 2, 9, 10, 12 and 13 have been cancelled their rejection is now moot. The rejection of claims 3-7, 11, and 14-18 is respectfully traversed.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Inama in view of Kuroda et al., U.S. Patent No. 5,286,449 (hereinafter “Kuroda”) as evidenced by Tani. Applicants respectfully traverse the rejection of claim 8.

In the Office Action at page 2, it is asserted that Inama (the primary reference) teaches an adsorbent comprising tryptophan and a polyanionic compound (dextran sulfate), which are

immobilized on a porous carrier. Applicants respectfully disagree with this characterization of the teachings of Inama.

Inama discloses an adsorbent comprising a compound containing both a hydrophobic structure and a negative functional group within a single molecule, immobilized on a porous carrier (see claims 2 and 5). Specific examples of such a compound (*e.g.*, ligand) are described in paragraph [0010] of Inama. The examples described support that the compound used in Inama's adsorbent comprises both a hydrophobic structure and a negative functional group, which are both found in the same compound (molecule). This is still further supported by Work Example 3, paragraph [0017], where Inama teaches that the "amount of negative functional groups" refers to the amount of negative functional groups (indole groups) in tryptophan.

Thus, a compound having only a hydrophobic structure or a negative functional group in a single molecule (*i.e.*, dextran sulfate only has a negative functional group) does not fall within the class of compounds taught by Inama for use in an adsorbent. Although Inama does disclose an adsorbent comprising dextran sulfate immobilized on a porous carrier in "Comparative Example 1" (see paragraph [0018]), Comparative Example 1 is meant to demonstrate that Inama's claimed invention (*e.g.*, using a compound having both a hydrophobic structure and a negative functional group within a single molecule) provides comparatively better results. Thus, Inama teaches away from the use of dextran sulfate (*e.g.*, compounds having only a hydrophobic structure or only a negative functional group) immobilized on a porous carrier for use as an adsorbent.

As Inama teaches away from absorbents having dextran sulfate, one of skill in the art would not be motivated to modify the amount of dextran sulfate, even if Tani teaches ranges for dextran sulfate. Accordingly, it would not have been obvious to one of ordinary skill in the art to adjust the amount of immobilized dextran sulfate and the molar ratio of the immobilized tryptophan derivative to the immobilized dextran sulfate, as in the claimed invention. Kuroda also does not overcome the deficiencies of Inama, where Inama teaches away from absorbents having dextran sulfate.

In view of the discussion above, Applicants respectfully request that the rejection of claims 1, 3-8, 11, and 14-18 as being unpatentable over the teachings of Inama, Kuroda and Tani be withdrawn.

CONCLUSION

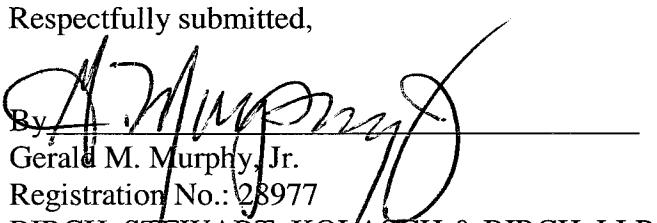
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, Ph.D., Registration No. 48,025 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,


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